

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL REVISION APPLICATION NO. 99 OF 2014

Smt. Sushilabai W/o Santoba Jadhav .. Petitioner
(Orig. Plaintiff)

Vs.

Munjaji S/o Keshav Shinde .. Respondent
(Orig. Petitioner)

Mr. Mahesh P. Kale, Advocate for the petitioner
None present the respondent though served

CORAM : M.T. JOSHI, J.
DATE : 12/06/2015

ORAL ORDER :

Heard Mr. Kale. None appears for the
respondent though duly served.

2. The order of the trial Court setting aside the
exparte judgment and decree in favour of the present
respondent-defendant is challenged in the present
revision application.

3. The record would show that in the suit, the
respondent refused to accept the suit summons and the
same was therefore affixed on the outer door of his

dwelling house. In the circumstances, the suit proceeded exparte and the decree was passed.

4. The respondent - defendant thereafter filed the application for setting aside the said decree on the ground that the suit summons were not properly served upon him. The learned trial Court accepted the said plea. Hence, the present revision.

5. Mr. Kale submits that the Bailiff report would clearly show that the respondent has refused to accept the suit summons and, therefore, it was affixed to the outer door. In the circumstances, the learned lower Court ought not have set aside the exparte decree.

6. Considering the fact that the parties are litigating for immovable property on the plea of specific performance of contract and the learned Civil Judge Junior Division has advanced the reason that one of the panch to the said report was not examined, in the present limited scope of revision, I am not inclined to interfere in the impugned order, however, finding that the present petitioner-plaintiff is litigating the matter since long in the totality of the facts, as

detailed supra, though the revision application is hereby dismissed without any order as to costs, the learned trial Court is directed to decide the suit itself as expeditiously as possible and preferably within a period of six (6) months from the date of this order.

7. Civil Revision Application is accordingly disposed of.

[M.T. JOSHI]
JUDGE

arp/